

REMARKS/ARGUMENTS

This application has been reconsidered carefully in light of the Office Action dated as mailed on 25 June 2003. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

5 This response is timely filed as it is filed within the three (3) month shortened statutory period for response to the outstanding Office Action.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

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Amendment to the Claims

By the above,

1. claims 28-30, 32-43, 45, 46, 48-52, 54, 55, and 57-59 have been canceled without prejudice, and

15 2. claims 60-85 have been added to more fully and completely claim the disclosed subject matter.

Newly added claims 60-85 find support throughout the original specification such as at page 5, line 6 through page 6, line 17; page 9, line 5 through page 25, line 17 and FIGS. 1-13, with the limitation of a stretchable waist band whose opposed ends carry fasteners employable about the waist of the wearer finding
5 expressed support such as at page 13, lines 6-11, for example.

Claims 60-85 remain in the application.

Claim Objections

The objections to claims 32-35, 38, 42, 43, 46, 51, 52, 54, 55, and 57-59
10 are moot in view of the cancellation of these claims.

Claim Rejections - 35 U.S.C. §112

Claims 28-30, 32-43, 45, 46, 48-52, 54, 55, and 57-59 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly failing to
15 particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These rejections are moot in view of the cancellation of these claims.

Claim Rejections - 35 U.S.C. §102(b)

Claims 28-30, 32-43, 45, 46, 48-52, 54, 55, and 57-59 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,248,098 to Sayama (hereinafter "Sayama").

5 These rejections are moot in view of the cancellation of these claims.

Newly Added Claims

Newly added claims 60-85 are directed to absorbent articles and associated methods which are not believed to be shown or suggested by the prior art.

10 More particularly, independent claim 60 is directed to an absorbent article adapted to fit about a waist of a wearer, including a rear waist of the wearer, the absorbent article having a longitudinal direction and a lateral direction. The absorbent article is required to include front and rear waist sections. The rear waist section includes a stretchable waist band whose opposite ends carry fasteners
15 employable to secure the absorbent article about the waist of the wearer with the stretchable waist band under tension. The absorbent article also includes an intermediate section which includes an absorbent portion and which intermediate section interconnects the front and rear waist sections. The absorbent article still further includes a gasketing assembly operatively joined with a rear waist portion of

the stretchable waist band to mechanically deploy a gasket element upon tensioning of the stretchable waist band. The gasket element is desirably configured to inhibit a longitudinal flow of human discharge along a body faceable surface of the absorbent article.

5 Independent claim 75 is directed to a disposable absorbent article which defines a longitudinal direction with a longitudinal centerline and a lateral direction and which absorbent article includes a stretchable waist band in a rear waist section whose opposed ends carry fasteners employable to secure the absorbent article about a waist of a wearer with the waist band under tension. The absorbent article also
10 includes a gasketing assembly operatively joined about the longitudinal centerline with a portion of the stretchable waist band to deploy a gasket element against the lower back of a wearer when the waist band is in a stretched conditioned and to form a containment volume. The deployed gasket element is effective to inhibit flow of matter between the waist of the wearer and the waist band of the absorbent article.

15 Independent claim 80 is directed to a method of using an absorbent article adapted to fit about a waist of a wearer, including a rear waist of the wearer. The absorbent article has a longitudinal direction and a lateral direction. The absorbent article also includes a front waist section, a stretchable waist band whose opposed ends carry fasteners employable to secure the absorbent article about the

waist of the wearer with the waist band under tension, and an intermediate section which interconnects the front and rear waist sections and which intermediate section includes an absorbent portion. In accordance with the method, the stretchable waist band is tensioned to deploy a gasket element to inhibit a longitudinal flow of human
5 discharge along a body faceable surface of the absorbent article.

Such absorbent articles and methods of use are not shown or suggested by the prior art.

Conclusion

10 In view of the above, all the pending claims are believed to be in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



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